

UNITED STATES DISTRICT COURT
(DISTRICT OF MASSACHUSETTS)

CIVIL ACTION NO. 05-11697-GAO

MARILYN KUNELIUS,
PLAINTIFF,

V.

TOWN OF STOW separately, A
PARTNERSHIP OF UNKNOWN NAME
BETWEEN TOWN OF STOW and THE
TRUST FOR PUBLIC LAND, THE
TRUST FOR PUBLIC LAND separately
and CRAIG A. MACDONNELL, in his
individual capacity,

DEFENDANTS.

**PLAINTIFF'S MEMORANDUM
IN SUPPORT OF SUMMARY JUDGMENT MOTIONS
EXHIBITS LIST**

Exhibit	Document description
A	MacDonnell deposition
B	2/17/03 email from Ross Perry, KUN306
C	2/04/03 email from Ross Perry, KUN313-14
D	Kachajian deposition
E	Kunelius deposition, Vol. I
F	Boothroyd deposition
G	Affidavit of Kunelius
H	Affidavit of Kachajian
I	Affidavit of Boothroyd
J	3/19/03 letter from Daniel Calado, a Real Estate Appraiser to TPL, TPL-KUN01317-1318
K	TPL 30(b)(6) deposition (Stookey), Vol. I
L	Kunelius deposition, Vol. II
M	TPL Project Fact Sheet, TPL-KUN01124-1138
N	Handwritten notes, TPL-KUN01260-1262

Exhibit	Document description
O	Stow Community Preservation Committee 2/10/03 Meeting Minutes, KUN038-41
P	Case of <u>Kelly v. Marx</u> , 428 Mass. 877 (1999), TPL-KUN 01609-1612
Q	1/16/03 email from Serena Furman of FORA to Chris LaPointe, TPL-KUN00181
R	Handwritten notes, TPL-KUN01167
S	1/09/03 email from Serena Furman of FORA to MacDonnell, TPL-KUN01231
T	Town Meetings Remarks, TPL-KUN01095-1103
U	Handwritten notes, TPL-KUN01255
V	Memorandum from MacDonnell to Ann Cole, TPL-KUN01144-46
W	3/27/03 Confidential Memorandum from FORA to MacDonnell, TPL-KUN02078
X	3/19/03 email from MacDonnell to Serena Furman of FORA, TPL-KUN03075
Y	3/30/03 email from Ross Perry with the Application to the DHCD, KUN0336-411
Z	4/1/03 letter from MacDonnell to the DHCD
AA	2003 Annual Report of TPL, WB00329-347
BB	TPL 30(b)(6) deposition (Stookey), Vol. II
CC	Sommerlad deposition
DD	<i>The Beacon Villager</i> article entitled "FORA still aces in the hole"
EE	7/23/ 03 email from Peter Christianson to FORA, Furman0087-89
FF	9/30/03 email from Ross Perry to Peter Christianson to FOR A, TPL-KUN01621
GG	6/30/03 email from Erin Rowland to LaPointe, TPL-KUN03677
HH	8/19/03 letter from FORA to MacDonnell, TPL-KUN01681-82
II	9/30/03 letter from MacDonnell to Peter A. Kachajian, TPL-KUN01671
JJ	Furman deposition, Vol. I
KK	4/15/03 email from MacDonnell to Ross Perry, TPL-KUN03366
LL	4/17/03 email from MacDonnell to Ross Perry, KUN421-422
MM	4/15/03 draft letter from Stow to TPL re: technical advice, TPL-KUN02225
NN	4/22/03 letter from Ross Perry to MacDonnell, KUN420

Exhibit	Document description
OO	4/25/03 email from Ross Perry to MacDonnell, TPL-KUN02666
PP	4/26/03 email from MacDonnell to Chris LaPoint, TPL-KUN003407
QQ	4/28/03 email from MacDonnell to Ross Perry, TPL-KUN03428
RR	Ross Perry deposition
SS	Norris deposition
TT	8/27/03 Valerie Talmage to Chris LaPointe, TPL-KUN02765
UU	Handwritten notes, TPL-KUN01710
VV	7/17/03 email from MaDonnell to Chris LaPointe, TPL-KUN03682
WW	7/31/03 email from MacDonnell to Michael Labosky of FORA, TPL-KUN03668
XX	4/10/03 email from Elizabeth Adams to Chris LaPointe, TPL-KUN03349
YY	5/07/03 email from MacDonnell to Bob Wilber, TPL-KUN02883-86
ZZ	3/10/03 email from MacDonnell to Karen Sommerlad of FORA, TPL-KUN02890-94
AAA	Phone tree, TPL-KUN00424
BBB	5/28/03 letter from Chris LaPointe to Karen Sommerlad of FORA, TPL-KUN02727
CCC	2/26/03 email from MacDonnell to Ross Perry, TPL-KUN02801
DDD	2/25/03 email from Ross Perry to MacDonnell, TPL-KUN02794-98
EEE	1/15/03 email from Karen Sommerlad of FORA to MacDonnell, TPL-KUN02483
FFF	3/31/03 email from Chris LaPointe to MacDonnell, TPL-KUN03257-3259
GGG	3/31/03 email from Ross Perry to MacDonnell, TPL-KUN03260
HHH	4/25/03 email from Heather Wiggins to Chris LaPointe, TPL-KUN03405
III	3/13/03 email from MacDonnell to David Cobb of FORA, TPL-KUN03031
JJJ	Stow Municipal Campaign, TPL-KUN02417
KKK	Stow Municipal Campaign, TPL-KUN02416
LLL	4/10/03 email from Bob Wilber to MacDonnell, TPL-KUN02665
MMM	5/07/03 email from Chris LaPointe to MacDonnell, TPL-KUN02687
NNN	2/25/03 email from Ross Perry to MacDonnell, TPL-KUN02794

Exhibit	Document description
OOO	4/03/03 email from Bob Wilber to MacDonnell, TPL-KUN01212
PPP	4/29/03 email from MacDonnell to Bob Wilber, TPL-KUN03440-42
QQQ	5/01/03 email from Bob Wilber to MacDonnell, TPL-KUN03459-61
RRR	5/01/03 email from MacDonnell to Bob Wilber, TPL-KUN03462-64
SSS	Town Meeting Remarks with handwritten notes, KUN-TPL01427
TTT	Kunelius Farm Project Strategy Meeting 7/21/03, KUN-TPL01575-1579
UUU	9/04/03 email from Ross Perry to MacDonnell, KUN-TPL01683
VVV	1/05/03 letter from MacDonnell to Ross Perry, KUN-TPL01916-1919
WWW	2/25/03 email from Ross Perry to MacDonnell, TPL-KUN02586-2590
XXX	Handwritten notes, TPL-KUN01256
YYY	1/31/03 email from Valerie Talmage, TPL-KUN02776-77
ZZZ	2/10/03 letter from Town Counsel, KUN428-429
AAAA	7/27/03 letter from FORA to MacDonnell, TPL-KUN00193-95
BBBB	12/17/02 letter from Peter Christianson of FORA, TPL-KUN01309

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Marilyn Kunelius

V.

CASE NO. 05-11697-GAO

The Town of Stow, et al.

NOTICE OF FILING WITH CLERK'S OFFICE

Notice is hereby given that the documents, exhibits or attachments listed below have been manually filed with the Court and are available in paper form only:

Exhibits A - BBBB to Attachment 1 to the Motion for Leave to File (doc. #65)

The original documents are maintained in the case file in the Clerk's Office.

10/17/2007

Date

/s/Michael C. McLaughlin, Esq.

Attorney for

The Plaintiff, Marilyn Kunelius

LAW OFFICES OF
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FILED
IN CLERKS OFFICE

2007 OCT 18 P 3:21

U.S. DISTRICT COURT
DISTRICT OF MASS.

October 18, 2007

United States District Court
District of Massachusetts
1 Courthouse way
Boston, MA 02210

Attn: Eugenia Edge

Re: Marilyn Kunelius v. The Town of Stow et al,
Civil Action No.: 05- 11697-GAO

Dear Ms. Edge:

Per my office's telephone conversation with you yesterday, my office informed you that it encountered difficulties in the filing of Exhibits to the Plaintiff's Memorandum (filed as Attachment 1 to a Motion for Leave to File a Memorandum Exceeding 25 pages). You have advised my office to file the Exhibits in question conventionally.

Exhibits to the Plaintiff's Motions for Summary Judgment are also voluminous as those to the Memorandum, as a result my office filed with the Court a Notice of Conventional filing of Exhibits to the Plaintiff's Summary Judgment Motions, which are identical to all Motions. Thus, only one copy is provided to the Court.

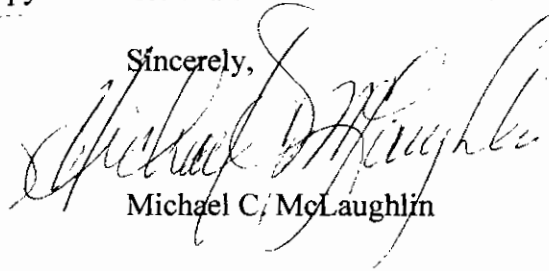
Enclosed for filing, in the above-referenced matter, please find:

1. Notice of Conventional Filing of Exhibits A-BBBB to Attachment 1 to the Motion for Leave to File a Memorandum Exceeding 25 pages with a hard copy of the Exhibits; and
2. Notice of Conventional Filing of Exhibits A – FFF to the Plaintiff's Summary Judgment Motions against the Trust for Public Land, The Town of Stow, Craig A. MacDonnell, with a hard copy of the Exhibits.

Thank you for your attention to this matter.

Should you have any questions, please do not hesitate to call. Kindly please date/time stamp the enclosed copy of this letter and return them with the courier.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. McLaughlin", is written over the typed name.

Michael C. McLaughlin

Enclosures

Cc: Richard A. Oetheimer, Esq.
Deborah I. Ecker, Esq.